

# HOUSE BILL No. 1911

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-43-4-1.

**Synopsis:** Theft by lessee. Specifies that proof that a person retained possession of rented or leased personal property after receipt of a lawful written demand for its return is evidence that the person exerted unauthorized control over the property for purposes of the theft and criminal conversion statutes.

**Effective:** July 1, 1999.

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January 26, 1999, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 35-43-4-1 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) As used in this  
3       chapter, "exert control over property" means to obtain, take, carry,  
4       drive, lead away, conceal, abandon, sell, convey, encumber, or possess  
5       property, or to secure, transfer, or extend a right to property.

6       (b) Under this chapter, a person's control over property of another  
7       person is "unauthorized" if it is exerted **in one (1) or more of the**  
8       **following ways:**

9               (1) Without the other person's consent.

10              (2) In a manner or to an extent other than that to which the other  
11              person has consented.

12              (3) By transferring or encumbering other property while failing to  
13              disclose a lien, adverse claim, or other legal impediment to the  
14              enjoyment of that other property.

15              (4) By creating or confirming a false impression in the other  
16              person.

17              (5) By failing to correct a false impression that the person knows

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is influencing the other person, if the person stands in a relationship of special trust to the other person.

(6) By promising performance that the person knows will not be performed.

(7) By expressing an intention to damage the property or impair the rights of any other person. ~~or~~

(8) By transferring or reproducing:

(A) recorded sounds; or

(B) a live performance;

without consent of the owner of the master recording or the live performance, with intent to distribute the reproductions for a profit.

**(9) By failing to return to the lessor personal property rented or otherwise leased from the lessor within:**

**(A) ten (10) days after the lessor makes a written demand for its return in compliance with subsection (d) if clause**

**(B) does not apply; or**

**(B) twenty-four (24) hours after the lessor makes a written demand for its return in compliance with subsection (d) if the person presented identification to the lessor that contained a materially fictitious name, address, or telephone number.**

(c) As used in this chapter, "receiving" means acquiring possession or control of or title to property, or lending on the security of property.

**(d) A notice in writing constitutes a proper demand for purposes of subsection (b)(9) if it is:**

**(1) given after the expiration of a leasing agreement; and**

**(2) addressed and mailed by registered mail to the lessee at the address:**

**(A) given by the lessee; and**

**(B) shown in a written leasing agreement.**

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